

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Theodor Albert, Presiding
Courtroom 5B Calendar**

Tuesday, January 4, 2022

Hearing Room

5B

10:00 AM

8:20-10477 Serenity Oak Farms, LLC

Chapter 7

**#1.00 Motion For Protective Order Re: Examination Of Cassondra Partridge, Trustee
Of The Judith A. Partridge Revocable Trust Dated October 3, 2002
(OST Signed 12-06-21)
(cont'd from 12-16-21)**

Docket 84

Tentative Ruling:

Tentative for 1/4/22:
Last we heard the parties would be submitting a stipulation? Status?

Tentative for 12/16/21:
Protective order denied, but some limitations as to the movant's affairs might
still be in order in return for an agreed injunction, bond or other protective
device.

Tentative for 12/9/21:
Per OST, opposition due at hearing.

Party Information

Debtor(s):

Serenity Oak Farms, LLC

Represented By
William J Wall

Trustee(s):

Jeffrey I Golden (TR)

Represented By
Eric P Israel
Michael G D'Alba

**United States Bankruptcy Court
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8:00-00000

Chapter

#0.00 Hearings on this calendar will be conducted using ZoomGov video and audio.

For information about appearing in person (or a hybrid hearing) please visit <https://www.cacb.uscourts.gov/judges/honorable-theodor-c-albert>.

Parties in interest and members of the public may connect to the video and audio feeds, free of charge, using the connection information provided below.

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Video/audio web address:

<https://cacb.zoomgov.com/j/1605556598>

ZoomGov meeting number: 160 555 6598

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For more information on appearing before Judge Albert by ZoomGov, please see the "Notice of Video and Telephonic Appearance Procedures for Judge Theodor C. Albert's Cases" on the Court's website at: <https://www.cacb.uscourts.gov/judges/honorable-theodor-c-albert> under the "Telephonic Instructions" section.

To assist in creating a proper record and for the efficiency of these proceedings, please:

- Connect early so that you have time to check in.
- Change your Zoom name to include your calendar number, first initial and last name, and client name (*ex. 5, R. Smith, ABC Corp.*) if appearing by video. This can be done by clicking on "More" and "Rename" from the Participants list or by clicking on the three dots on your video tile.
- Mute your audio to minimize background noise unless and until it is your turn to speak. Consider turning your video off until it is your turn to appear.
- Say your name every time you speak.
- Disconnect from the meeting by clicking "Leave" when you have completed your appearance(s).

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Docket 0

Tentative Ruling:

- NONE LISTED -

**United States Bankruptcy Court
Central District of California
Santa Ana
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Tuesday, January 4, 2022

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10:30 AM

8:21-12231 Elite Aerospace Group, Inc.

Chapter 11

#1.10 Motion for relief from the automatic stay PERSONAL PROPERTY

**ENGs COMMERCIAL FINANCE CO.
Vs.
DEBTOR**

Docket 124

Tentative Ruling:

Tentative for 1/4/22:

The question presented is whether a case under either of §§362(d)(1) or (2) has been made. While it could be said that the property is needed for a "reorganization" under (d)(2) to meet the letter of intent with GMX, it is an awkward fit given that the 'reorganization,' if any is to occur, appears to be a sale. The court is not clear that sort of reorganization is what is intended by the drafters of the Code. But it is also unclear whether "cause" is shown for (d)(1) either since no evidence appears that the collateral, which is reportedly insured, is declining in value. The appraiser's opinion suggest nothing has changed in three and a half months. Debtor is correct that a static level of value from petition date does not suggest that "cause" has been shown, and it is clearly movant's burden.

While all of the above suggests that the motion should be denied this time, movant may refile its motion in 60 days (or earlier upon showing of changed urgency). The court will be less sympathetic to indeterminate delays at that time as the definition of "necessary to a reorganization", i.e., one "in prospect" (within the meaning of Timbers), becomes even harder to sustain.

Deny but without prejudice to renewal in 60 days absent urgency.

Appearance: required

Party Information

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CONT... Elite Aerospace Group, Inc.

Chapter 11

Debtor(s):

Elite Aerospace Group, Inc.

Represented By

David L. Neale

Juliet Y. Oh

Richard P Steelman Jr

Movant(s):

Engs Commercial Finance Co.

Represented By

Raymond A Policar

**United States Bankruptcy Court
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10:30 AM

8:21-12344 Albina Roman

Chapter 7

#2.00 Motion for relief from the automatic stay PERSONAL PROPERTY

**TOYOTA MOTOR CREDIT CORPORATION
Vs.
DEBTOR**

Docket 8

Tentative Ruling:

Tentative for 1/4/22:
Grant. Appearance: optional

Party Information

Debtor(s):

Albina Roman

Represented By
Gary Polston

Movant(s):

Toyota Motor Credit Corporation

Represented By
Kirsten Martinez

Trustee(s):

Weneta M.A. Kosmala (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
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10:30 AM

8:21-12690 Ricardo Garcia

Chapter 7

#3.00 Motion for relief from the automatic stay PERSONAL PROPERTY

**TOYOTA MOTOR CREDIT CORPORATION
Vs.
DEBTOR**

Docket 12

Tentative Ruling:

Tentative for 1/4/22:
Grant. Appearance: optional

Party Information

Debtor(s):

Ricardo Garcia

Represented By
Shahnaz Hussain

Movant(s):

Toyota Motor Credit Corporation

Represented By
Kirsten Martinez

Trustee(s):

Richard A Marshack (TR)

Pro Se

**United States Bankruptcy Court
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10:30 AM

8:18-12363 Timothy James Houseman and Sherrylee Lynn Houseman

Chapter 13

#4.00 Motion for relief from the automatic stay REAL PROPERTY

**JPMORGAN CHASE BANK, NATIONAL ASSOCIATION
Vs.
DEBTORS**

Docket 53

Tentative Ruling:

Tentative for 1/4/22:
Grant. Appearance: optional

Party Information

Debtor(s):

Timothy James Houseman

Represented By
Raymond J Seo

Joint Debtor(s):

Sherrylee Lynn Houseman

Represented By
Raymond J Seo

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
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8:18-13237 William Rafael Castro and Marylyn Helen McCormack De

Chapter 13

#5.00 Motion for relief from the automatic stay REAL PROPERTY

**DEUTSCHE BANK NATIONAL TRUST COMPANY
Vs
DEBTORS**

Docket 102

Tentative Ruling:

Tentative for 1/4/22:

Debtors admit to being somewhat behind on the mortgage post-petition but fail to state how much, only that it is less than the \$30,000 claimed. The court hopes it is a lot less. The Debtors suggest that they need time to reconcile the numbers and/or analyze the payment history to determine the amount of arrearage, and/or to obtain a further forbearance. The problem is that the confirmed plan is supposed to be the gospel going forward with the expectation that plan terms, including keeping current on home mortgages, will be strictly observed. Confirmation is not an invitation to periodic renegotiation. While §1329 exists to afford modification where viable, home mortgages have strict guidelines (such as to the period of arrearage amortization) that cannot be bent, at least not involuntarily. The court will hear what proposals the debtors have to offer about becoming promptly current, and depending on what is proposed, continue briefly.

Party Information

Debtor(s):

William Rafael Castro

Represented By
Amanda G. Billyard

Joint Debtor(s):

Marylyn Helen McCormack De

Represented By
Amanda G. Billyard

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CONT... William Rafael Castro and Marylyn Helen McCormack De

Chapter 13

Movant(s):

DEUTSCHE BANK NATIONAL

Represented By

Sean C Ferry

Eric P Enciso

Fanny Zhang Wan

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
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10:30 AM

8:21-11801 Durwin Julius Keck and Beverlee Gail Keck

Chapter 7

#6.00 Motion for relief from the automatic stay REAL PROPERTY

**WILMINGTON TRUST, NATIONAL ASSOCIATION
Vs.
DEBTORS**

Docket 43

Tentative Ruling:

Tentative for 1/4/22:
Grant. Appearance: optional

Party Information

Debtor(s):

Durwin Julius Keck

Represented By
Anerio V Altman

Joint Debtor(s):

Beverlee Gail Keck

Represented By
Anerio V Altman

Movant(s):

Wilmington Trust, National

Represented By
Austin P Nagel

Trustee(s):

Weneta M.A. Kosmala (TR)

Pro Se

**United States Bankruptcy Court
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10:30 AM

8:21-12515 Phuoc Huu Dam and Ann Truong Dam

Chapter 11

#7.00 Motion for relief from the automatic stay REAL PROPERTY

**HSBC BANK USA, N.A.
Vs.
DEBTORS**

Docket 27

Tentative Ruling:

Tentative for 1/4/22:

Someone once said the best defense is a good offense. Debtors do their best to deal with some very uncomfortable facts, the most glaring of which is debtors' involvement in 11 previous bankruptcies. Nevertheless, debtors try to deflect charges of bad faith and claim the high ground by arguing "bad advice" and that no other bankruptcies for at least the last three years (well, that's a pretty low standard). Debtors also try to make out some kind of a defense based on federal regulations, or to suggest that the lender is partly to blame by not giving enough timely statements. None of this is the least persuasive. What is, if not persuasive, at least of some interest is that there might be some equity and/or the residence might be 'necessary to a reorganization' within the meaning of §362(d)(2). But is the supposed reorganization "in prospect" within the meaning of the Timbers case? That remains to be seen, but debtors surely must know that their credibility is zero, their claims of good faith dubious and the time remaining is very short.

Continue hearing for 45 days to determine whether a viable plan of reorganization is filed.

Party Information

Debtor(s):

Phuoc Huu Dam

Represented By
Summer M Shaw

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CONT... Phuoc Huu Dam and Ann Truong Dam

Chapter 11

Joint Debtor(s):

Ann Truong Dam

Represented By
Summer M Shaw

Movant(s):

HSBC Bank USA, N.A., as Trustee

Represented By
Greg P Campbell

**United States Bankruptcy Court
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10:30 AM

8:18-14265 James G. Caringella and Kathleen J. Caringella

Chapter 13

#8.00 Motion for relief from automatic stay ACTION IN NON-BANKRUPTCY FORUM

**MICHAEL KAPLAN
Vs.
DEBTORS**

Docket 217

***** VACATED *** REASON: CONTINUED TO 1-13-22 AT 10:00 A.M.
PER ORDER APPROVING STIPULATION TO CONTINUE MOTION
FOR RELIEF FROM STAY HEARING ENTERED 12-27-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

James G. Caringella

Represented By
Kelly H. Zinser
Rick Augustini

Joint Debtor(s):

Kathleen J. Caringella

Represented By
Kelly H. Zinser
Rick Augustini

Movant(s):

Michael Kaplan

Represented By
Adam M Greely

Michael Kaplan

Represented By
Adam M Greely

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
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11:00 AM

8:21-10939 Shahryar Charles Afshari

Chapter 7

**#9.00 Chapter 7 Trustee's Application To Employ Shulman Bastian Friedman & Bui
LLP as General Counsel
(cont'd from 11-30-21 per order approving stip to cont. hrg. entered
11-18-21)**

Docket 29

***** VACATED *** REASON: OFF CALENDAR - NOTICE OF
VOLUNTARY DISMISSAL OF DEBTOR'S OPPOSITION FILED 12-22-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Shahryar Charles Afshari

Represented By
Alan A Pace

Trustee(s):

Richard A Marshack (TR)

Represented By
Melissa Davis Lowe

**United States Bankruptcy Court
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11:00 AM

8:17-12900 Harv Wyman and Kim M. Wyman

Chapter 7

#10.00 Trustee's Final Report And Applications For Compensation:

KAREN SUE NAYLOR, CHAPTER 7 TRUSTEE

MALCOLM CISNEROS, ATTORNEY FOR CHAPTER 7 TRUSTEE

HAHN FIFE & COMPANY, LLP, ACCOUNTANT FOR CHAPTER 7 TRUSTEE

Docket 69

Tentative Ruling:

Tentative for 1/4/22:

Allow as prayed. Appearance: optional

Party Information

Debtor(s):

Harv Wyman

Represented By
Thomas J Polis

Joint Debtor(s):

Kim M. Wyman

Represented By
Thomas J Polis

Trustee(s):

Karen S Naylor (TR)

Represented By
Christina J Khil
Arturo Cisneros

**United States Bankruptcy Court
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11:00 AM

8:18-10170 John Benjamin Riddle

Chapter 7

#11.00 Trustee's Final Report And Application For Compensation:

JEFFREY I. GOLDEN, CHAPTER 7 TRUSTEE

**LAW OFFICES OF WESLEY H. AVERY, APC, ATTORNEY FOR CHAPTER 7
TRUSTEE**

U.S. TRUSTEE, U.S. TRUSTEE QUARTERLY FEES

HAHN FIFE & COMPANY LLP, TAX PREPARER FEES

Docket 193

Tentative Ruling:

Tentative for 1/4/22:

Allow as prayed. Appearance: optional

Party Information

Debtor(s):

John Benjamin Riddle

Represented By
Andy C Warshaw

Trustee(s):

Jeffrey I Golden (TR)

Represented By
Wesley H Avery
Wesley H Avery

**United States Bankruptcy Court
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11:00 AM

8:18-13761 Alejandra Lopez

Chapter 7

#12.00 Trustee's Final Report And Applications For Compensation:

RICHARD A. MARSHACK, CHAPTER 7 TRUSTEE

PAGTER AND PERRY ISAACSON, ATTORNEY FOR CH 7 TRUSTEE

HAHN FIFE & COMPANY, LLC, ACCOUNTANT FOR TRUSTEE

INTERNAL REVENUE SERVICE CENTRALIZED INSOLVENCY OPERATION

Docket 61

Tentative Ruling:

Tentative for 1/4/22:

Allow as prayed. Appearance: optional

Party Information

Debtor(s):

Alejandra Lopez

Represented By
Anerio V Altman

Trustee(s):

Richard A Marshack (TR)

Represented By
Misty A Perry Isaacson

**United States Bankruptcy Court
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11:00 AM

8:19-14912 Igor Shabanets

Chapter 7

#13.00 Motion to Approve Compromise Under Rule 9019 Between Trustee and Remares Global, LLC

Docket 458

***** VACATED *** REASON: CONTINUED HEARING TO JANUARY
25, 2022 AT 11:00 A.M., PER ORDER ENTERED 12/17/2021, DKT#471.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Igor Shabanets

Represented By
Bruce A Boice

Trustee(s):

Richard A Marshack (TR)

Represented By
D Edward Hays
Tinho Mang

**United States Bankruptcy Court
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11:00 AM

8:21-10534 Linda Nguyen

Chapter 7

#14.00 Chapter 7 Trustee's Motion For Order Approving Settlement And Compromise Of Disputes By And Among Chapter 7 Trustee, Rockwell At Amelia Passage, LLC And Tri M Vo Pursuant To Federal Rules Of Bankruptcy Procedure 9019; Or In The Alternative, For Sale Of The Estate's Interest In Pending Litigation Free And Clear Of Liens And Subject To Overbids filed by Trustee Jeffrey I Golden (TR))

Docket 81

Tentative Ruling:

Tentative for 1/4/22:
Grant. Appearance: optional

Party Information

Debtor(s):

Linda Nguyen

Represented By
Marc A Goldbach

Trustee(s):

Jeffrey I Golden (TR)

Represented By
Melissa Davis Lowe

**United States Bankruptcy Court
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11:00 AM

8:21-12654 Yolanda Hernandez Alaniz

Chapter 7

#15.00 Motion For Denial Of Discharge Pursuant To 11 U.S.C. Section 727(a)(8)

Docket 11

Tentative Ruling:

Tentative for 1/4/22:

Grant. Appearance: optional

Party Information

Debtor(s):

Yolanda Hernandez Alaniz

Pro Se

Trustee(s):

Karen S Naylor (TR)

Pro Se

**United States Bankruptcy Court
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11:00 AM

8:12-24285 Randy Willard Reay

Chapter 7

#16.00 Motion For Reconsideration Of The Court's Judgment Entered On October 28th, 2021 To Avoid The Judicial Lien Of Target Bank, National Association Under 11 USC Sec. 522(F)

Docket 24

Tentative Ruling:

Tentative for 1/4/22:
Grant. Appearance: optional

Party Information

Debtor(s):

Randy Willard Reay

Represented By
Joseph M Tosti
Anerio V Altman

Trustee(s):

Karen S Naylor (TR)

Pro Se

**United States Bankruptcy Court
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11:00 AM

8:17-10976 Zia Shlaimoun

Chapter 7

#17.00 Chapter 7 Trustee's Motion for Order Disallowing Claims:

Claim No. 12

George P. Eshoo

Claim No. 13

George P. Eshoo

Claim No. 15

**Tahim And Associates,
A Professional Corporation**

Docket 246

Tentative Ruling:

Tentative for 1/4/22:
Sustain. Appearance: optional

Party Information

Debtor(s):

Zia Shlaimoun

Represented By
Charles Shamash
David B Shemano

Trustee(s):

Thomas H Casey (TR)

Represented By
Thomas H Casey
Michael Jason Lee
Sunjina Kaur Anand Ahuja
Michael J Lee